

Remarks

Claims 1-3, 5-13, 15 and 16 are pending in the application, and stand rejected. Claims 4 and 14 have been canceled without prejudice to or disclaimer of the subject matter therein. Favorable reconsideration is respectfully requested.

The specification was objected to. Withdrawal of the objection is respectfully requested in the view of the amendment to the specification set forth above.

Claims 1-4 and 11-16 were rejected under 35 USC 102(e) as being anticipated by Hendrey et al. (U.S. pub. no. 2002/0107008 A1) (hereafter, "Hendrey"). Of these claims, claims 1-3, 11-13, 15 and 16 remain pending.

Concerning independent claim 1, the Applicant respectfully submits that Hendrey does not support the asserted rejection for at least the reason that Hendrey does not disclose "notifying a subscriber if the calculated relative location is in compliance with the acceptable location criteria" nor "alerting the subscriber for each mobile station whose calculated relative location is not in compliance with the acceptable location criteria" as recited in independent claim 1.

Concerning independent claim 13, Hendrey is silent at least as to "outputting an alert indication to an output terminal for each one of the plurality of mobile stations whose present geographic location relative to the one or more pre-determined targets is not within acceptable limits of the location criteria" as recited.

Note is taken of the Examiner's view that paragraph 0107 of Hendrey discloses the claimed "notifying" feature of claim 1. The Applicant respectfully disagrees. Paragraph 0107 of Hendrey describes how "a user coming within triggering distance to any of a set of locations stored in database 143 may receive a phone call or otherwise experience the automatic creation of a telecommunications connection with the callee associated with that location," where the locations are fixed, like storefronts or buildings (see paragraph 0101 of Hendrey). This is different from the claimed "notifying" operation. The antecedents to the "notifying" limitation of claim 1 clearly denote that the "calculated relative location" recited therein refers to the location of "each mobile station relative to the one pre-determined target," not to "a set of [fixed] locations stored in database 143" as described in paragraph 0107 of Hendrey.

Further, Hendrey fails to disclose the claimed "alerting" feature of claim 1. Observing that the "alerting" feature was initially recited in claim 4 (now canceled), the Examiner's comments concerning claim 4 are noted. Specifically, the Examiner contends that paragraph 0071 of Hendrey discloses the subject matter of claim 4. The Applicant respectfully disagrees. Paragraph 0071 of Hendrey describes iterating through a list of potential matches, where the potential matches were previously determined based on arbitrary criteria such as social compatibility. Each potential match is tested against a distance criterion. If no match satisfies the criterion, a user may be so notified.

By contrast, claim 1 as amended claims a per-mobile station alerting test. In incorporating the subject matter of claim 4 in to claim 1, the language has been modified slightly for clarification, to recite "alerting the subscriber *for each mobile station whose* calculated relative location is not in compliance with the acceptable location criteria" (emphasis added). The amendment is supported, for example, by block 3070 of FIG. 3, which shows a yes/no alert decision for each mobile station in a pre-defined group, in keeping with the tracking application described. Hendrey only describes a notification of an "error condition" if *all* potential matches fail.

Moreover, the Applicant respectfully traverses the rejection of independent 13, along lines similar to those discussed above. Claim 13 has been amended to incorporate the subject matter of canceled claim 14, with the language slightly modified to recite "outputting an alert indication to an output terminal *for each one of the plurality of mobile stations whose* present geographic location relative to the one or more pre-determined targets is not within acceptable limits of the location criteria" (emphasis added). Like the earlier discussed amendment to claim 1, the amendment to claim 13 is supported, for example, by block 3070 of FIG. 3, which shows a yes/no alert decision for each mobile station in a pre-defined group. Hendrey lacks at least this feature, as demonstrated earlier.

Accordingly, claims 1 and 13 are allowable over Hendrey. Moreover, since claims 2, 3, 11, 12, 15 and 16 depend on one of claim 1 or 13, claims 2, 3, 11, 12, 15 and 16 are likewise allowable over Hendrey for at least the reasons discussed in

connection with claims 1 and 13. Withdrawal of the rejection of claims 1-3, 11-13, 15 and 16 as anticipated by Hendrey is therefore respectfully requested.

Claims 5, 6 and 8-10 were rejected under 35 USC 103(a) as being unpatentable over Hendrey in view of Bates et al. (US 2003/0013456 A1) (hereafter, "Bates"). Claims 5, 6 and 8-10 depend on claim 1 and therefore include its recitations. Hendrey has been demonstrated above to be deficient at least with respect to "alerting the subscriber for each mobile station whose calculated relative location is not in compliance with the acceptable location criteria" as recited in claim 1. Bates does not cure this deficiency in Hendrey, and accordingly, the combination of Hendrey and Bates cannot support the asserted rejection. Withdrawal of the rejection of claims 5, 6 and 8-10 as unpatentable over Hendrey and Bates is therefore respectfully requested.

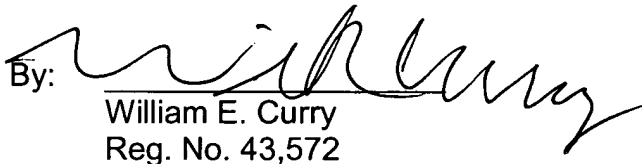
Claim 7 was objected to, but was indicated to be allowable if re-written in independent form. Accordingly, claim 7 has been so re-written and is allowable. Withdrawal of the objection to claim 7 is therefore respectfully requested.

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: DEC. 7, 2004

By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201